

**FEDERAL  
REGULATION**

45 CFR 303.3(c)  
45 CFR 303.4(d)  
45 CFR 303.5(a)(1)

Federal regulations require that the State establish guidelines defining diligent efforts to serve process. Those guidelines must include requirements for periodically repeating service of process attempts in cases in which previous attempts have failed but adequate identifying and location information exists. Unsuccessful attempts to serve process in accordance with state guidelines must be documented.

Further, federal regulations prescribe timeframes for establishing paternity and support obligations including the time allowed for completion of service of process. Service of process necessary to establish paternity must be completed within 90 calendar days of locating the putative father. Service of process necessary to establish a support order must be completed within the later of 90 calendar days of locating the absent parent or 90 calendar days of establishing paternity.

**GUIDELINES FOR  
SERVICE OF  
PROCESS**

Service of process must be attempted in IV-D cases in accordance with state statutes and court rules which prescribe manners of service and State guidelines contained in this item which describe diligent efforts to serve process. When service of process is necessary to establish paternity, that action must be completed within 90 days of locating the putative father. Service of process necessary to establish a support obligation must be completed within the later of 90 days of locating the absent parent or of establishing paternity (e.g. by probate acknowledgment).

The Court Action Referral which is generated by the support specialist in a IV-D case to request services to establish paternity and/or a support order contains an address at which the absent parent can be served process. The absent parent's residence address or employer address or both the residence and employer addresses are provided. The address(es) is verified by the support specialist prior to referral of the case to the prosecutor. As applicable, the Court Action Referral also contains the date the absent parent was located or the date an acknowledgment of parentage was obtained by the support specialist to identify the start of the 90 day service of process timeframe. (Refer to Items 230 and 240 for additional information concerning the relationship between referral and service of process timeframes.)

Upon receipt of a referral, the prosecutor must arrange for service of process necessary to establish paternity and/or a support order. When a valid address for the absent parent is available, attempts to serve process must be made after a summons is issued until service is com-

pleted. A referral may not be returned to DSS solely because attempts to serve process fail.

Service of process may be made using any legally available method. However, if service by certified or registered mail (return receipt requested, delivery restricted to addressee) is unsuccessfully attempted on an absent parent who is located in Michigan, personal service must then be utilized. Also, personal service must be attempted prior to use of alternative service such as posting or publication when an absent parent is located in Michigan.

As necessary to complete service after a summons is issued, at least three attempts to serve the absent parent personally and/or by restricted delivery mail are to be made within the 90-day service of process timeframe as described earlier in this item. If initial attempts to serve the absent parent are unsuccessful, the prosecutor is to determine the reason for failure and take appropriate action as follows:

- If any attempt at service indicates that the absent parent no longer resides or works at the available address, activities to relocate the absent parent must be undertaken in accordance with policies and timeframes specified in Item 210. When an absent parent is relocated, the timeframe for service of process begins with the date of the relocation.
- If location information is adequate but there is reason to believe the absent parent is evading service, use of alternative service may be pursued provided that the required attempt to personally serve an absent parent located in Michigan has been made.
- If location information is adequate and there is no evidence that the absent parent is evading service or alternative service is not used, attempts to serve process personally and/or by restricted delivery mail must continue at a frequency of approximately three times every 30 days. Attempts to serve process personally or by restricted delivery mail must continue until service is completed unless it is determined that the absent parent no longer resides or works at the available address(es) or alternative service is utilized.

The U.S. Postal Service makes two attempts to deliver certified and registered mail. When service of process is attempted using restricted delivery mail, each attempt made by the U.S. Postal Service to deliver the summons is considered a separate attempt to serve process.

When service of process is completed, action to establish a support obligation must be completed within expedited process standards as described in Item 240. Action to establish paternity must be completed within one year of the later of successful service of process or the child reaching age 6 months (see Item 230).

Unsuccessful attempts to serve process must be documented in the case record when service is not completed within the 90-day service of process timeframe. As necessary, the prosecutor must inform the agency responsible for service of the State guidelines for service of process in IV-D cases and establish a follow-up system to ensure that the prosecutor's office is informed of efforts to serve process.